



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

148253

REPLY TO THE ATTENTION OF

JUN 29 2001

Four County Landfill Site

URGENT LEGAL MATTER - PROMPT REPLY REQUESTED

BY FEDERAL EXPRESS

COPY

RE: Four County Landfill Site, Fulton County, Indiana
Notice of Potential CERCLA Liability
and Demand Letter

Dear Sir or Madam:

A group of potentially responsible parties (PRPs) has been conducting clean-up activities pursuant to agreements with the State of Indiana in response to contamination at the Four County Landfill Site in Fulton County, Indiana. These activities have included investigation of contamination at the Site, feasibility studies for the two operable units at the Site, and the construction of the remedy for operable unit one.

The United States Environmental Protection Agency (U.S. EPA) has also taken a number of actions in connection with the contamination at the Site. U.S. EPA took these actions under the authority of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), 42 U.S.C. §9601 et seq., as amended by the Superfund Amendments and Reauthorization Act of 1986 (SARA), Pub. L. 99-499 100 Stat. 1613 (1986).

The actions taken by U.S. EPA included, but were not necessarily limited to: compilation of waste-in transaction database, with associated documents including (but not limited to) volumetric

rankings of PRPs; document review, including review of draft remedial investigation reports, draft feasibility studies, draft proposed plans, draft ROD for OUI, and other documents; and consultations with the Indiana Department of Environmental Management and other parties concerning the Site.

Response costs associated with this Site have been incurred by U.S. EPA. The approximate U.S. EPA response costs identified up to April 30, 2001, for the above referenced Site are \$310,814.18. A summary is enclosed.

The information available to U.S. EPA indicates that the business named above is potentially responsible for the release, or threat of release, of hazardous substances from the Site. Pursuant to the provisions of Section 107(a) of CERCLA, and based on evidence currently available to the Agency, U.S. EPA believes that the business named above may be liable for the payment of all costs incurred by U.S. EPA in connection with the Site. The potentially responsible parties (PRPs) are jointly and severally liable for the whole amount. If the business named above is a qualified small business, enclosed is an U.S. EPA Small Business Regulatory Enforcement Fairness Act information sheet which may be helpful if the business is subject to an U.S. EPA enforcement action.

We hereby demand that the business named above make restitution by payment of the amount in this letter plus interest, together with any sums hereafter expended by the Agency in connection with the Site pursuant to authority of CERCLA, as amended. Pursuant to Section 107(a) of CERCLA, as amended, interest shall begin accruing as of the date of this demand, if payment is not received within thirty (30) days of the date of this letter.

Such payment must be made by a cashier's or certified check made payable to the U.S. EPA Hazardous Substance Superfund, which is established by the Internal Revenue Code, 26 U.S.C. §9507, and administered by U.S. EPA. The business named above should send its check to U.S. EPA - Region 5, Attn: Program Accounting & Analysis Section, P.O. Box 70753, Chicago, Illinois 60673. Please place the following Site Identification Number on the check: **Site #05PC**. Please send a copy of the payment check to: Carl Norman, Chief, Remedial Response Section #6, U.S. EPA, Region 5, Superfund Division (SE-5J), 77 W. Jackson Blvd., Chicago, Illinois 60604, and to the Office of Regional Counsel, U.S. EPA, Region 5 (C-14J), 77 W. Jackson Blvd., Chicago, Illinois 60604.

Partial payments will not release the payor of liability for payment of the rest of the costs that are owed to U.S. EPA. Limiting language on the check or in accompanying letters will be considered to be advisory only and will not be considered as

placing conditions on the amount paid or as limiting liability on other costs demanded in this letter.


If you desire to discuss the liability of the business named above with U.S. EPA, please contact Terry Branigan, Associate Regional Counsel, at (312) 353-4737.

We have enclosed with this letter a copy of a proposed tolling agreement which addresses the statute of limitations that applies to the Four County Landfill Site. Under the proposed tolling agreement, the period commencing July 1, 2001 and ending November 1, 2001, would not be included in computing the time limited by any statute of limitations for filing a complaint to recover costs incurred by U.S. EPA in connection with the Site. U.S. EPA/Region 5 has forwarded a request to the U.S. Department of Justice to initiate cost recovery litigation no later than July 16, 2001, in the event that we have not received a signed tolling agreement from the business named above by that date.

If you desire to discuss the proposed tolling agreement, please contact Joseph Warren, Trial Attorney, U.S. Department of Justice, Environmental Enforcement Section, at (202) 616-1303.

The names of other PRPs receiving this request for payment are enclosed with this letter to facilitate coordination among the identified parties concerning payment. PRPs should attempt to work out an allocation among themselves to apportion costs; however, whatever allocation system the PRPs develop among themselves, U.S. EPA considers all PRPs jointly and severally liable for the amounts demanded in this letter until all costs are reimbursed or an appropriate settlement is achieved pursuant to Section 122(h) of CERCLA.

Sincerely,


James Mayka, Chief
Remedial Response Branch #2

Enclosures

Itemized Cost Summary

FOUR COUNTY LANDFILL, ROCHESTER, IN SITE ID = 05 PC

Cumulative Costs Through 04/30/2001.

REGIONAL PAYROLL COSTS	\$26,046.59
HEADQUARTERS PAYROLL COSTS	\$477.14
EPA INDIRECT COSTS	\$79,346.17
REGIONAL TRAVEL COSTS	\$183.60
TECHNICAL ENFORCEMENT SUPPORT (TES) CONTRACT	
METCALF & EDDY (68-W9-0007)	\$204,760.68
Total Site Costs:	\$310,814.18

TOLLING AGREEMENT
FOR CLAIMS UNDER THE COMPREHENSIVE ENVIRONMENTAL
RESPONSE, COMPENSATION, AND LIABILITY ACT
RELATING TO FOUR COUNTY LANDFILL SITE

The United States, on behalf of the United States Environmental Protection Agency, contends that it has a cause of action pursuant to Sections 107 and 113(g)(2) of the Comprehensive Environmental Response, Compensation and Liability Act ("CERCLA") 42 U.S.C. §§ 9607 and 9613(g)(2), against _____ ("Defendant") for, inter alia, cost recovery at the Four County Landfill Site in Fulton County, Indiana (the "Tolled Claims").

The United States and Defendant ("Parties") enter into this Tolling Agreement to facilitate settlement negotiations between the Parties within the time period provided by this Agreement, without thereby altering the claims or defenses available to any Party hereto, except as specifically provided herein.

The Parties, in consideration of the covenants set out herein, agree as follows:

1. Subject to the provisions of Paragraphs 5 and 6, the period commencing on July 1, 2001 and ending on November 1, 2001, inclusive (the "Tolling Period"), shall not be included in computing the running of any statute of limitations potentially applicable to any action brought by the United States on the Tolled Claims.

2. Any defenses of laches, estoppel, or waiver, or other similar equitable defenses based upon the running or expiration of any time period shall not include the Tolling Period for the Tolled Claims.

3. Defendant shall not assert, plead, or raise against the United States in any fashion, whether by answer, motion or otherwise, any defense of laches, estoppel, or waiver, or other similar equitable defense based on the running of any statute of limitations or the passage of time during the Tolling Period in any action brought on the Tolled Claims.

4. This Tolling Agreement does not constitute any admission or acknowledgment of any fact, conclusion of law, or liability by any Party to this Tolling Agreement. Nor does this Tolling Agreement constitute any admission or acknowledgment on the part of the United States that any statute of limitations, or similar defense concerning the timeliness of commencing a civil action, is applicable to the Tolled Claims. The United States

reserves the right to assert that no statute of limitations applies to any of the Tolled Claims and that no other defense based upon the timeliness of commencing a civil action is applicable.

5. This Tolling Agreement may not be modified except in a writing signed by all the Parties. The Parties acknowledge that this Tolling Agreement may be extended for such period of time as the Parties agree to in writing.

6. It is understood that the United States may terminate settlement negotiations and commence suit at any time, upon provision of written notice by certified mail, in which case the Tolling Period shall terminate on the 28th day after the date of such notice, regardless of any prior termination date set forth in Paragraph 1, above. Nothing herein shall preclude the commencement of any action by the United States to protect the public health, welfare, or the environment without provision of advance notice.

7. This Tolling Agreement does not limit in any way the nature or scope of any claims that could be brought by the United States in a complaint against *Defendant* or the date on which the United States may file such a complaint, except as expressly stated herein.

8. This Agreement is not intended to affect any claims by or against third parties.

9. *Defendant* shall preserve and maintain, during the pendency of the Tolling Period, and for a minimum of 90 days after termination of the Tolling Period, at least one legible copy of all documents and other materials subject to discovery under the Federal Rules of Civil Procedure and relating to the Tolled Claims, regardless of any corporate or document retention policy to the contrary.

10. This Tolling Agreement is effective upon execution by the Parties, and without the requirement of filing with the Court, and may be signed in counterparts.

11. This Tolling Agreement contains the entire agreement between the Parties, and no statement, promise, or inducement made by any Party to this Tolling Agreement that is not set forth in this Tolling Agreement shall be valid or binding, nor shall it be used in construing the terms of this Tolling Agreement as set forth herein.

12. The undersigned representative of each of the Parties certifies that he or she is fully authorized to enter into the terms and conditions of this Tolling Agreement and to legally bind such party to all terms and conditions of this document. This Agreement shall be binding upon the United States, acting on behalf of the United States Environmental Protection Agency and upon *Defendant* and its successors.

SIGNATURES

The United States, on behalf of the United States Environmental Protection Agency, consents to the terms and conditions of this Tolling Agreement by its duly authorized representatives on this ____ day of _____, 20__.

William Brighton
Assistant Section Chief
Environmental Enforcement Section
Environment and Natural Resources Division
United States Department of Justice

By: _____
Trial Attorney
Environmental Enforcement Section
Environment and Natural Resources Division
United States Department of Justice

Defendant consents to the terms and conditions of this Tolling Agreement by its duly authorized representative on this ____ day of _____, 20__.

By: _____

**Parties Receiving Notice of Potential CERCLA Liability and Demand Letter
Four County Landfill Site
U.S. Environmental Protection Agency/Region 5**

AT&T Corp./Lucent Technologies, as successor to AT&T Corp.
American Standard, Inc.
Appleton Electric Company
Chem-Met Services, Inc.
Chicago Transit Authority
Continental Steel
Corning Inc.
Delta Faucet Company
Du-Wel Products, Inc., d/b/a Inverness Casting
Eaton Corporation, f/k/a Aeroquip Corp.
Elan Associates
Electrochemical Coatings Inc.
Enviro Chemical Corp.
Environmental Waste Control
Exide Corporation
Gencorp (General Tire)
General Motors Corporation, d/b/a Delco Electronics, Delco Remy, Detroit Steel
Globe Valve Corporation
Grand Haven Brass Foundry
Indiana Department of Transportation
Inland Steel Company
City of Kokomo
LTV Steel Company/Republic Steel
Naval Weapons Support Center
North Star Steel
Production Plated Plastics, Inc.
Quemetco, Inc.
Reilly Industries
Roadmaster Corp.
S & W Waste, Inc.
Safety Kleen, as successor to GSX
Seneca Wire & Manufacturing
Sharon Steel
Starlite Corp./ State Plating
United Technologies Automotive
U.S. Tap/ Indiana Brass
Warsaw Black Oxide
Wendnagel & Company
Wheelabrator Frye Inc.
Wheeling Pittsburgh Steel
Wickes Manufacturing

Address List
Notice of Potential CERCLA Liability and Demand Letter
Four County Landfill Site
U.S. Environmental Protection Agency/Region 5

1. AT&T Corp.
Law Department
Room B 2160
131 Morristown Road
Basking Ridge, NJ 07920
2. Lucent Technologies, Inc.
as successor to AT & T Corp.
c/o Stephen L. Oberkrom
777 NW Blue Parkway
Lee's Summit, MO 64086-2712
3. American Standard, Inc.
Law Department
Environmental Technology
1 Centennial Plaza
Piscataway, NY 08855
4. American Standard, Inc.
c/o Jill Weller, Esq.
Thompson, Hine & Flory
312 Walnut, Suite 1400
Cincinnati, OH 45202
5. Appleton Electric
c/o Fred Phillips, ESQ.
Shaw, Pittman, Potts & Trowbridge
2300 N Street, NW
Washington, DC 20037
6. Chem-Met Services
Law Department
18550 Allen Road
Wyandotte, MI 48192
7. Chem-Met Services
c/o Peter O'Rourke

3755 Rugged Road
Harbor Springs, MI 49740

8. Chicago Transit Authority
c/o Ellen Partridge
Chicago Transit Authority Law Department
Merchandise Mart Plaza
Chicago, Illinois 60654
9. Continental Steel
Law Department
1111 South Main Street
Kokomo, IN 46902
10. Corning, Inc.
c/o Mr. Kevin Corliss
Legal Department
One Riverfront Plaza
Corning, NY 14831
11. Delta Faucet Co.
c/o John Noble, Esq.
55 East 111th St.
Indianapolis, Indiana 46280
12. Du-Wel Products, Inc.
d/b/a Inverness Casting
P.O. Box 160
Bangor, MI 49013
13. Du-Well Products, Inc.
d/b/a Inverness Casting
c/o Charles E. Barbieri, Esq.
Foster, Swift, Collins & Smith, P.C.
313 S. Washington Square
Lansing, MI 48933
14. Eaton Corporation
f/k/a Aeroquip Corp.
c/o Ms. Julianne M. Eiban
Eaton Center
Cleveland, OH 44114-2584

15. Elan Associates
Kegan & Kegan Associates
79 W.Monroe #1320
Chicago, IL 60603
David L. Keegan
16. Electrochemical Coatings, Inc.
c/o Chris Ross
1301 Indianapolis Avenue
Lebanon, Indiana 46052-0568
17. Enviro Chemical Corp.
865 South U.S. 421
Zionsville, IN 46077
18. Environmental Waste Control
27140 Princeton
Inkster, MI 48141
19. Exide Corporation
Legal Department
645 Penn Street
Reading, PA 19612
20. Exide Corporation
c/o Walter D. James III, Esq.
Strasburger & Price LLP
901 Main Street - Suite 4300
Dallas, TX 75202
21. Gencorp (General Tire & Rubber)
Legal Department
175 Ghent Road
Fairlawn, OH 44333
22. Gencorp
c/o Mr. Anthony C. Sullivan
Barnes & Thornburg
11 South Meridian Street
Indianapolis, IN 46204
23. General Motors Corporation
d/b/a Delco Electronics, d/b/a Delco Remy, d/b/a Detroit Diesel

c/o Don A. Schiemann, Esq.
General Motors Legal Staff
Mail Code 482-C24-D24
300 Renaissance Center
Detroit, MI 48232

24. Globe Valve Corporation
P.O. Box 46923
Delphi, Indiana 46923
25. Globe Valve Division
c/o Terri A. Czajka, Esq.
Ice Miller Donadio & Ryan
One American Square
31st Floor
Indianapolis, IN 46282
26. Grand Haven Brass Foundry
230 N. Hopkins Street
Grand Haven, Michigan 49417
27. Grand Haven Brass Foundry
c/o John Byl, Esq.
Warner Norcross & Judd
900 Old Kent Building
111 Lyon Street NW
Grand Rapids, Michigan 49503
28. Indiana Department of Transportation
c/o Managing Attorney
100 N. Senate Avenue
Room N-730
Indianapolis, IN 46204
29. Inland Steel Company
Law Department
Indiana Harbor Works
3210 Watling Street
East Chicago, Indiana 46312
30. Inland Steel Company
c/o Michelle M. Gutman, Esq.
Babst, Calland, Clements & Zomnir, PC

Two Gateway Center - 6th Floor
Pittsburgh, PA 15222

31. City of Kokomo
Kokomo Wastewater Treatment Plant
1501 West Markland Avenue
Kokomo, Indiana 46901
32. City of Kokomo
c/o Frank Deveau, Esq.
Sommer & Barnard PC
4000 Bank One Tower
111 Monument Circle
Indianapolis, Indiana 46244
33. LTV Steel Company, Inc./Republic Steel
c/o Dale Papjick, Esq.
LTV Steel Company, Inc.
200 Public Square
Cleveland, OH 44114-2308
34. Naval Weapons Support Center
c/o Gerald Kohns
U.S. Army/Navy Environmental Law Division
901 N. Stuart St.
Arlington, VA 22203
35. North Star Steel
c/o Jeffrey C. Fort, Esq.
Sonnenschein, Nath & Rosenthal
8000 Sears Tower
Chicago, IL 60604
36. Production Plated Plastics, Inc.
9899 East Drive
Richland, MI 49083
37. Quemetco, Inc.
c/o Mr. Howard B. Meyers
General Counsel & Secretary
RSR Corporation
2777 Stemmons Freeway, Suite 1800
Dallas, TX 75207

38. Quemetco, Inc.
1111 West Mockingbird Lane
Dallas, Texas 75247
39. Reilly Industries, Inc.
c/o Anne Frye, Esq.
300 N. Meridian Street - Suite 1500
Indianapolis, IN 46204
40. Roadmaster Corporation
c/o Paul Bonapfel, Esq. (Trustee)
Lamberth, Bonapfel, Cifelli & Stokes PA
Atlanta Financial Center
East Tower - Suite 550
3343 Peachtree Road, NE
Atlanta, GA 30326
41. S&W Waste, Inc.
c/o Mark N. Cohen, Esq.
Margolis Edelstein
The Curtis Center
Independence Square West
Philadelphia, PA 19106-3304
42. Safety-Kleen
as Successor to GSX
c/o Michael O. Ellis, Esq.
Law Offices of Micheal O. Ellis
627 N. Morton Street
Bloomington, IN 47404
43. Seneca Wire and Manufacturing Co.
Law Department
319 South Vine Street
Fostoria, OH 44830
44. Seneca Wire and Manufacturing Co.
c/o Tom Gibson, Esq.
Robinson, Curphey & O'Connell
Four Seagate, Ninth Floor
Toledo, OH 43604
45. Sharon Steel Corporation

c/o James E. Browne, Esq.
Assistant General Counsel
Mueller Industries, Inc.
8285 Tournament Drive, Suite 150
Memphis, TN 38125

46. Starlite Corp/State Plating
c/o Kevin F. Melvin, Esq.
Starlite Corp.
450 N. 9th Street
Elwood, IN 46036
47. U.S. Tap/Indiana Brass Company
c/o Mr. Dennis Bulington
U.S. Tap, Inc.
Frankfort, IN 46041
48. United Technologies Automotive, Inc.
c/o Ms. Lauren L. McGregor
United Technologies Corporation
United Technologies Building
One Financial Plaza - MS 524-00
Hartford, CT 01610
49. Warsaw Black Oxide, Inc.
310 S. Walnut St.
Burkett, Indiana 46508
50. Warsaw Black Oxide, Inc.
c/o Michael E. Arney, Esq.
Lemon, Reed, Arney, Hearn & Leininger
210 N. Buffalo Street
Warsaw, IN 46580
51. Wendnagel and Company
5420 Pearl Street
Rosemont, IL 60018
52. Wheelabrator Technologies, Inc.
Wheelabrator Frye, Inc.
c/o Peter Kelly, Esq.
Seyfarth, Shaw, Fairweather & Geraldson
55 E. Monroe Street

Chicago, IL 60603

53. **Wheeling-Pittsburgh Steel**
c/o Victor A. Walton, Jr., Esq.
Vorys, Sater, Seymour and Pease
221 E. Fourth Street - Suite 2100
Atrium Two
Cincinnati, OH 45201

54. **Wickes Manufacturing**
c/o Patricia Monte, Secretary (John B. Orgain)
Wickes Mfg. Co.
Collins & Aikman Group, Inc.
701 McCullough Drive
Charlotte, NC 28232



INFORMATION SHEET

U.S. EPA Small Business Resources

If you own a small business, the United States Environmental Protection Agency (EPA) offers a variety of compliance assistance and tools to assist you in complying with federal and State environmental laws. These resources can help you understand your environmental obligations, improve compliance and find cost-effective ways to comply through the use of pollution prevention and other innovative technologies.

EPA Websites

EPA has several Internet sites that provide useful compliance assistance information and materials for small businesses. Many public libraries provide access to the Internet at minimal or no cost.

EPA's Small Business Home Page (<http://www.epa.gov/sbo>) is a good place to start because it links with many other related websites. Other useful websites include:

EPA's Home Page

<http://www.epa.gov>

Small Business Assistance Programs

<http://www.epa.gov/ttn/sbap>

Compliance Assistance Home Page

<http://www.epa.gov/oeca/oc>

Office of Site Remediation Enforcement

<http://www.epa.gov/oeca/osre>

Hotlines, Helplines and Clearinghouses

EPA sponsors approximately 89 free hotlines and clearinghouses that provide convenient assistance on environmental requirements.

EPA's Small Business Ombudsman Hotline can provide a list of all the hot lines and assist in determining the hotline best meeting your needs. Key hotlines include:

EPA's Small Business Ombudsman

(800) 368-5888

Hazardous Waste/Underground Tanks/ Superfund

(800) 424-9346

National Response Center

(to report oil and hazardous substance spills)
(800) 424-8802

Toxics Substances and Asbestos Information

(202) 554-1404

Safe Drinking Water

(800) 426-4791

Stratospheric Ozone and Refrigerants Information

(800) 296-1996

Clean Air Technical Center

(919) 541-0800

Wetlands Hotline

(800) 832-7828

Continued on back



Compliance Assistance Centers

In partnership with industry, universities, and other federal and state agencies, EPA has established national Compliance Assistance Centers that provide Internet and "faxback" assistance services for several industries with many small businesses. The following Compliance Assistance Centers can be accessed by calling the phone numbers below and at their respective websites:

Metal Finishing

(1-800-AT-NMFRC or www.nmfrc.org)

Printing

(1-888-USPNEAC or www.pneac.org)

Automotive Service and Repair

(1-888-GRN-LINK or www.ccar-greenlink.org)

Agriculture

(1-888-663-2155 or www.epa.gov/oeca/ag)

Printed Wiring Board Manufacturing

(1-734-995-4911 or www.pwbrc.org)

The Chemical Industry

(1-800-672-6048 or www.chemalliance.org)

The Transportation Industry

(1-888-459-0656 or www.transource.org)

The Paints and Coatings Center

(1-800-286-6372 or www.paintcenter.org)

State Agencies

Many state agencies have established compliance assistance programs that provide on-site and other types of assistance. Contact your local state environmental agency for more information. For assistance in reaching state agencies, call EPA's Small Business Ombudsman at (800)-368-5888 or visit the Small Business Environmental Homepage at <http://www.smallbiz-enviroweb.org/state.html>.

Compliance Incentives

EPA provides incentives for environmental compliance. By participating in compliance assistance programs or voluntarily disclosing and promptly correcting violations, businesses may be eligible for penalty waivers or reductions. EPA has two policies that potentially apply to small businesses: The Audit Policy (<http://www.epa.gov/oeca/auditpol.html>) and the Small Business Policy (<http://www.epa.gov/oeca/>

[smbusi.html](http://www.epa.gov/oeca/smbusi.html)). These do not apply if an enforcement action has already been initiated.

Commenting on Federal Enforcement Actions and Compliance Activities

The Small Business Regulatory Enforcement Fairness Act (SBREFA) established an ombudsman ("SBREFA Ombudsman") and 10 Regional Fairness Boards to receive comments from small businesses about federal agency enforcement actions. The SBREFA Ombudsman will annually rate each agency's responsiveness to small businesses. If you believe that you fall within the Small Business Administration's definition of a small business (based on your Standard Industrial Code (SIC) designation, number of employees or annual receipts, defined at 13 C.F.R. 121.201; in most cases, this means a business with 500 or fewer employees), and wish to comment on federal enforcement and compliance activities, call the SBREFA Ombudsman's toll-free number at 1-888-REG-FAIR (1-888-734-3247).

Your Duty to Comply

If you receive compliance assistance or submit comments to the SBREFA Ombudsman or Regional Fairness Boards, you still have the duty to comply with the law, including providing timely responses to EPA information requests, administrative or civil complaints, other enforcement actions or communications. The assistance information and comment processes do not give you any new rights or defenses in any enforcement action. These processes also do not affect EPA's obligation to protect public health or the environment under any of the environmental statutes it enforces, including the right to take emergency remedial or emergency response actions when appropriate. Those decisions will be based on the facts in each situation. The SBREFA Ombudsman and Fairness Boards do not participate in resolving EPA's enforcement actions. Also, remember that to preserve your rights, you need to comply with all rules governing the enforcement process.

EPA is disseminating this information to you without making a determination that your business or organization is a small business as defined by Section 222 of the Small Business Regulatory Enforcement Fairness Act (SBREFA) or related provisions.